

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ISAAC PORRAS, ALBERTO PERES,  
JESUS HERNANDEZ, PERRY KELLY,

Plaintiffs,

v.

No. 1:13-cv-00850-KG-SCY

ADMIRAL BEVERAGE CORPORATION,  
a foreign for-profit corporation,

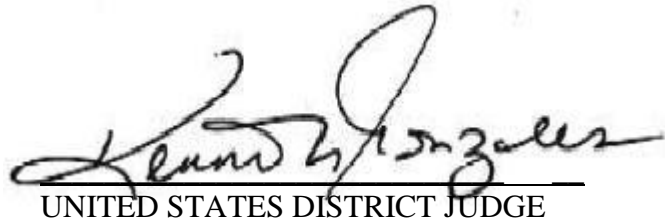
Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE’S PROPOSED FINDINGS  
AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on Magistrate Judge Steven C. Yarbrough’s Proposed Findings and Recommended Disposition (“PFRD”) advising that the Court dismiss the claims of Plaintiffs Isaac Porras and Alberto Peres under Federal Rule of Civil Procedure 41 for failure to prosecute. *Doc. 83*. In his PFRD, Judge Yarbrough explains that Plaintiffs Porras and Peres failed to appear at their depositions and failed to appear at the April 28, 2015 show cause hearing, which was scheduled to discuss case participation. Given these unexplained non-appearances, Judge Yarbrough reasoned that the claims of Plaintiffs Porras and Peres should be dismissed with prejudice. *Id.* Plaintiffs Porras and Peres have not filed any objections to the PFRD, thereby waiving their right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, Plaintiffs Porras’s and Peres’s failure to respond to the PFRD further demonstrates their lack of desire to prosecute this lawsuit. In light of this fact and upon review of the record as a whole, the Court concurs with the Magistrate Judge’s findings and recommendations.

**IT IS THEREFORE ORDERED THAT:**

1. The Magistrate Judge's Proposed Findings and Recommended Disposition (*doc. 83*) is ADOPTED.
2. Plaintiffs Porras and Peres's claims will be dismissed with prejudice.



UNITED STATES DISTRICT JUDGE